595x only consider the marriages of adult individuals through the nkumbó,
586x that is to say, unions that are truly and perfectly voluntary on both sides. Finally, we should exclude those wives of polygamists who prefer monogamy and have taken advantage of an opportunity to break their unions in order to enter into a marriage contract with a bachelor. It seems to me that when these reasonable considerations and restrictions are taken into account, the figures established will not argue against the stability of Nkundó marriages to the extent that one might have thought at first. Or at least that is my impression, derived from the many cases that have come to my attention and that it has been my duty to investigate thoroughly in the course of my ministry as a priest.

The 112 marriages recorded in our last two books at Flandria can be broken down as follows (1): 18 widows, (2) 6 inherited wives, [47]

1. I am excluding the 14 Batswá cases.

2. As against widows who are inherited.

1 replacement, 3 cases of women who had broken marriages entered into before puberty, 29 wives of polygamists, 18 divorced wives of monogamous men, and 37 first marriages. If we exclude the replacement, the marriages of children and of former wives of polygamists, but include widows and women who are inherited, we arrive at 37 + 18 + 6 = 61 persons for whom their present marriage is still their first, as against 18 clear-cut cases of divorce.

Nevertheless, it should be noted that these figures are based on [47] only a tiny minority of the population and on that part which, from our point of view, may be considered the best, because these people are willing to submit to the yoke of Christian morality. In addition these people are in their prime, and it is impossible to say whether later on they will persevere in these good inclinations. But in any case these instances show that faithfulness to a promise can, and in fact does, exist among the Nkundó.

595x Without a doubt one of the most beautiful aspects of love in
837 general, and marital love in particular, is conjugal faithfulness. As will be shown in detail in Chapter VI, Article VII, 2, the Nkundó do

595 837 not appreciate marital fidelity the same way we do. A wife's unfaithfulness is severely punished by the laws. But adultery may be discovered and known to all without causing shame or remorse. This is a marked difference between our way of thinking and that of the Nkundó. They maintain that a passing infidelity which is not followed through does not denote an absence of love for one's spouse, even if it is repeated. In spite of the implausibility of this statement, I had to accept it, for those who argued with me were so many, their positions so various, and they were really serious. Among them were a number of Christians with whom we are very satisfied and who conduct themselves admirably, as do their wives. They consider these errors to be momentary failings [48] due to passion, which permit love to remain. Indeed, often these men and women are models in the performance of their other duties. This misbehaviour is without doubt considered very serious -- their anger shows clearly that they do not consider it trivial -- but it does not exclude love and thus, as far as everything else is concerned, the spouses continue giving proof of it to each other.

Let us not forget that many elements may lead to a fall and that consciences may go far astray. On the other hand, the fact that a husband is tolerant, even to the point of exploiting his wife, does not exclude a certain love for her; a husband may be extremely indulgent and at the same time jealous to the point of crime. All that may be found among the Whites, after all. Love without the feeling of duty will not suffice to sustain a union.

Moreover, there is no dogma, no moral teaching based on religion, to restrain the instincts. And we should add that among these [562] primitive people, the woman's natural tendency to please, to submit to a man's desires, is highly developed. In Europe these feelings are channeled by the Christian religion and its influence on society. Here they encounter no direct obstacle except for sanctions. Before marriage [836] sexual passion and all sensations connected with it and adjunct to it can be pursued without physical, moral, or social obstacles, at least at the present time. The surroundings in which a girl grows up and the example and conversations of her companions will tend even to push her in that direction.

595x 837 548 Finally, let us not forget the spirit of gain and greed. Except in a few instances, a woman expects remuneration from a man to whom she has surrendered her body. Many infidelities may be explained by this practice, at least at the present time. But on the other hand, it should be noted that the woman's demand for a "wage" from her lover may be explained by an amorous concern; by giving the woman a gift or an amount of money the man shows [49] his regard for her; it is a demonstration of his affection for her, and the woman wants to be paid in order to be sure of her lover's love. That is not to say that such instances are common or frequent, but such a feeling is natural and actually exists in more than one case. (1)

1. See Chapter VI, Article VII, 2.

It is not surprising that the woman who lives in circumstances which are always unfavorable to chastity and marital fidelity is easily led to adultery and often falls. That is the basis of the proverb: [599] bǒmoto ndɛ́ lofolɔ́kɔ́, nkɔ́ ngonda ɛ́fa'nd'ɔ́sengámɛ́, "the woman is a chrysalis; there is no forest where she does not hang" -- a clear condemnation of the frivolity of the daughters of Eve in the land of the Nkundɔ́. Nevertheless, these moral criticisms in the form of proverbs can be accepted only in a general way and must be understood cum grano salis; they leave the door wide open for exceptions.

595x 152 In his Blancs et Noirs au Congo Belge [Whites and Blacks in the Belgian Congo], (p. 38), Jadot has written: "The Bantu is capable of love . . . and that is all, and his wife -- no matter what has been said -- of a certain amount of marital fidelity. In general, neither the one nor the other go too far. Platonism, Petrarchism, and Romanticism are foreign to the love of the natives . . . I know . . . of cases of fierce jealousy and of beautiful faithfulness." (2)

2. See also ibid., p. 208 ff.

152 We conclude that love exists among the Nkundɔ́. This feeling is subjected to harsh attacks and is affected by many unfavorable circumstances, which may account for its imperfection and for certain

291 The nkásá is unknown beyond the Jwalé and the Luilaka. In that re-
184 gion the women tie a string (or a belt of beads) around themselves and attach a second piece of cloth to it.

Thus the male garment is a rudimentary sort of shorts, open on
291 the sides, while female dress is much more open. In general the efufa is an appropriate protection of one's modesty, but it is inadequate in certain positions. (2)

[611]
[196]

2. It may be interesting to note that etɔ́o nsamányá, or just plain etɔ́o, which is the term for a man's garment, also indicates the male line of descent, while the female line is often designated by the term nkásá (sometimes by the word jwɔ̌moto derived from bɔ̌moto, "woman"). Let us add that lonkundɔ́ jwǎ nkásá means "pure, flawless Lonkundo, not corrupted by foreign influences." This expression should be compared with the following phrases: langue maternel, moedertaal, "mother tongue," etc.

291 At present the nkásá is no longer worn except by a few elderly
177 inhabitants of villages far from the main communication lines. Everywhere else the ancient mode of dress has been replaced by materials imported from Europe. The women wear at least a sangatúmbo, a kind of short skirt which falls from their loins at least to the middle of their thighs if not further. Middle-aged men in the interior have simply changed the material of their garment but not its form. The younger ones, on the contrary, have frankly adopted the European mode of dress.

291 A married woman is not allowed to enter the village of her rela-
581 tives by marriage (bakilɔ́) or appear before them [54] without supple-
[824] menting her usual attire with one or more beleleke (banana leaves cut
[837] into fringes). The term bakilɔ́ must be understood as it is meant by the Nkundɔ́; it excludes those with whom the wife may sometimes perform the sexual act and who are called "husbands" broadly speaking.

548 The fact of colonization has greatly changed the situation.
178 The freedom of communication across great distances, the introduction of new and varied goods and especially of money, have had a great influence on the development of prostitution. The economic system of the people remains the same; but when the women are away from their families or their husbands, they spend their means at their own discretion. And, since the objects of adornment available to them have greatly increased, they have a personal incentive to engage in immoral conduct.

The vice has not therefore taken on European forms; modern changes have simply increased -- but in enormous proportions -- the number of occasional streetwalkers. The development of this state of affairs is encouraged by the procuring activities of certain polygamous and even monogamous men living near European centers, which give rise to the attitude of their wives. For though the husband may reap the primary financial benefit, the wife is not deprived of her little gain, and her native cupidity easily pushes her to engage without scruple in commercializing her body.

837 The women under discussion are usually married. Often they
548 have a recognized lover among the laborers in the camps, and he usually pays for their faithfulness. Thus we arrive at the married woman with a regular paying lover. [76]

This form of prostitution has developed even outside laborers' camps. It is to be found among the people on the river banks, who are more in contact with the Whites and their people and in the neighboring villages. It is especially prevalent among the Beloko, fairly near Coquilhatville, where it is spreading even among wives of monogamists. This perversion takes root all the more rapidly because it has a certain resemblance to the ancestral custom of a recognized concubinage (see Chapter VI, Article VIII, 2) and like the latter, it often does not take the form of prostitution. That is to say, the illicit relationship is not engaged in for the sake of gain. Furthermore, an arrangement is often made with the husband.

[369] As to the other forms of prostitution listed, they are still unknown in the native villages and in the small centers located in the territory studied. Some of them, however, may develop in the fairly near future.

428 587 Lastly, these facts demonstrate collective ownership within the clan or the extended family. When a close relative, such as Bosɔlɔ for instance, marries a widow, he considers her legally as his legitimate spouse, just as she was the legitimate spouse of the deceased. [200] No new bride-price agreement is necessary, since the preceding one continues to be valid. The only new element introduced is that another person in the family of the deceased enters into a marriage bond with the widow. Whether the person marrying the woman is the legitimate heir or a close relative makes no difference because of the community of interests that exists (the children belong to Bosɔlɔ as much as to the heir, for example). (1)

1. We will come back to this question further on (see Article IX).

837 Because of the superficial resemblance between different situations, it should be mentioned here that the enjoyment of a woman in a common-law relationship is not asked for exclusively in the case of a widow. Such a request may also be made in connection with the wife of a polygamist while the husband is still living, but this is done only by a close relative and even then is not well regarded. Usually the situation is as follows: a man falls in love with one of the wive's in his relative's harem, and she shares his sentiments. He takes her home with him. There is a palaver. The husband is furious, breaks of all relations with the seducer, and wants no more of his invitations or his gifts, which means the quarrel is serious. Therefore, other relatives intervene to try and reconcile the two adversaries; seeing that there is no way to prevent the cohabitation of the pair or judging that such action would not be expedient, they try to pacify the legitimate husband. Through the agency of his elder brother, the lover sends him a gift in entreaty. The husband, finding no one on his side, bows down before the fait accompli, accepts the gift (bompánga), and yields the enjoyment of the woman. Instead of going about the matter in this cavalier fashion, the lover may also make his request in the normal manner. If for one reason or another the lovers want to stop living together, they separate without further

837 ceremony. If the husband is kindly disposed toward them, he gives back to his relative the valuables the latter has paid, and the incident is closed. [201]

That is what happened some time ago to Insɔlo, of Bokenyola (Bonjoku). (1) In the harem of his maternal uncle, Efonja Is'Ôfuwa,

1. Now chief of the Bonkoso.

who was originally from Bonjoku but had been integrated into the Bongale, he had noticed a certain Mbilɛeyenga, originally from Bosáá, and "his heart was rent asunder," as the Nkundɔ say. Through the agency of his older first cousins Mpetsɨ ɛâ Lingomo, ye sent Efonja a bompángá of 6 rings, asking him to be kind enough to allow him to cohabit with this woman. His request was well received. But after a certain number of years their passion cooled, and Insɔlo wished to contract a proper marriage to give himself posterity. He therefore parted from Mbilɛ, who went back to her husband. The latter returned the 6 rings to Insɔlo, because he did not want to enrich himself at the expense of a relative.

Article III. The Bosɔ́lɔ́

428 587 768 The marriage of a bosɔ́lɔ́ is a special form of the inheritance of women.

The term bosɔ́lɔ́ is used everywhere. The Injɔ́lɔ́ also use a synonym, njɛ́mɔ́, an incorrect term derived from the verb ɛ́mola, "to make [someone] get up." Thus they say ɛ́moja bɔ̌na njɛ́mɔ́, "to give the child (son, daughter) a bosɔ́lɔ́. (2) Among the Beloko and their

2. The Elanga tribes in the Losanganya region also use this expression.

Elíngá the term bombɔ̃jɨ is used as well as bosɔ́lɔ́.

On the day when the widows are "lifted from the ground" and

583 184 a new element from the legal standpoint. This is clearly apparent in the repugnance with which these same Bombwanja who practice the form of exchange just described regard an exchange pure and simple, which will be described below.

The exchange of widows is also practiced by the Elinga. Like the Bombwanja, they also have the two forms of quasi-exchange described at the beginning of this article.

4) On the other hand, a true exchange of wives exists among the riverain peoples known as the Boɗya and the Longa (1); in their

> 1. They live near the mouth of the Salonga (in the villages of Bonsela, Pomputi, Nkuse, Bombomba, Isaka, etc.)

dialect it is called iengya. Two men exchange wives. If the bride price of one is greater than that of the other, the difference is refunded. Such an exchange is carried out with the consent of the women involved.

583 184 152 [837] Let us see how such an exchange usually comes about. Imagine two men, Bokulu and Mpolɛ, with their respective wives, Mbindo and Baɓna. Suppose that Bokulu falls in love with Baɓna, the wife of Mpolɛ, and the pair become involved in an adulterous relationship. There is a cooling of Baɓna's love for her husband Mpolɛ; she performs fewer and fewer services for him, etc. The same thing happens to Bokulu's relationship with his wife Mbindo. The latter is jealous; her patience is soon at an end. She discusses the matter with Mpolɛ, her rival's husband. "See how your wife deceives you; she no longer loves you. My husband is forsaking me [217] for her; he no longer loves me. This is a challenge to you as well as to me. If you are a man (1), pick up the challenge."

> 1. "Man" in the sense of vir (jwende); the meaning is: "If you have any courage, show that you are not a coward."

593 dare to maintain that a woman's speaking out about her husband is a
578 sign of affection. On the other hand, a woman who instead bewails her lot softly and quietly saying, ngɔ́ya ńkeke lɔ́i l'ɔ̌m'onɛ́ na?, ("mother, what shall I do with this husband?"), will not be with him long. Her complaint is chiefly egoistic, while the other seeks the good of her spouse and her household.

As we have already mentioned, the perfect punishment, and one frequently employed in ordinary cases, is a husband's refusal to eat food prepared by his wife or to wash with water she has drawn or boiled. It is a type of reprimand to which she is sensitive. The husband's aversion must not last too long, however, for it could lead to
[837] a breaking up of the marriage, more especially since in the end the woman would begin to suspect infidelities -- which do occur.

The fact that Nkundɔ́ law does not allow the husband complete freedom and clearly limits his rights does not in any way exclude the occurrence of infractions. The mass of human beings is always inferior to the moral ideal imposed by legislation. But these provisions of Nkundɔ́ law do protect a woman against her husband's excesses. We have already cited the expedients available to her: abandonment of the home shared with her husband; legal apologies (boɔ́ndo), indemnity for injuries (liombo). In addition, a wife who has been wronged will abstain from foods (such as meat or palm nuts) given her by her husband and, even more important, will refuse to have sexual relations with him. And for our people this is a great affront. In order to re-establish a normal and peaceful situation, a husband often has to pacify [281] his spouse by means of a boɔ́ndo. In addition to the measures mentioned, a wife may of course use insults, of which every native has a rich and varied collection.

No one can condemn or reprimand a woman for abusing a lazy husband. If he does not go to the hunt and bring back game, if he neglects the building or repair of the house, if he is too much of a laggard, if he does not fell the forest to set up food crops, it is clearly he who is in the wrong, and he will find no one who will approve of his conduct and condemn his wife. If he turns out to be incorrigible, it will not be long before the marriage is broken, according to the axiom elɔ́ng'ey'ɔ̌moto ńk'okɔ́fo, "the woman's victory is divorce."

606 the act of procreation on the part of one of them. Perhaps this idea is latent in the native mind, or at least is at the basis of this rule. The fact that this hypothesis applies only to the wife's mother-in-law [mother?] does not weaken it; for in native eyes [291] the other instances are entirely without importance. (1)

1. See, for example, Chapter II, Article X, and Chapter V, Articles II and III.

606 292 Another regulation pertaining to the mother-in-law requires that she -- and all the women who are given the same title in current usage -- may appear in her son-in-law's village only when dressed in a boleleke. A boleleke is a banana leaf, either green or dried, which has been torn in several places perpendicularly to the large [765] central rib, and constitutes the first and principal sign of mourning. Moreover, Batswa women must also dress in this manner before entering a Baotó settlement. The following reason is given for the rule in the second instance: a Botswá woman's dress consists of a lolímba, a belt of small braided ropes about 10 centimeters long. Although in ordinary positions the lolímba provides fairly good protection, it is not considered adequate to really stop all indiscreet looks. And it is popularly believed that if a Bootó sees a Botswá woman's genital organs, she will die. Might we conclude from this last explanation that there is a fundamental connection between the reasons that necessitate the wearing of a boleleke in these three instances? Or is the mother-in-law to imitate a Botswá woman and thus show a certain subordination to her son-in-law?

2. Female relatives

607 837 As long as they are free, that is, as long as no bride-price payment has been made for them, a woman's sisters or cousins are considered by her husband as his wives, and he calls them so (baálí). This term is applied only to relatives of a generation below that of the true wife or to members of the same generation who are younger than she and with whom marriage [292] is permitted. It is therefore never

607 extended to relatives with whom marriage prohibited, such as nieces
837 who are banankáná, who are his wife's "mothers." (1)

1. See Chapter V, Article IV and the examples cited there (for instance, examples 25, 26, 17).

When such relatives of the wife marry, the situation changes. They belong to another man, and a continuation of the same practice as when they are single produces very serious cases of adultery. There are differences depending on the degree of affinity, however. In addition to the usual sanctions against adultery, other measures may be taken, especially the dissolution of the marriage. An especially serious case, but one which is more or less hypothetical, would be adultery between a man and his father-in-law's wife; a special feeling of shame is connected with it, and our Nkundó say that the two persons are like a Botswá and his master. Misconduct with the wife of a brother-in-law (or cousin-in-law) is also a very serious matter. The latter may take his sister (or cousin) away from the guilty husband and thus break the marriage. The same applies to adultery with a nyangôkilɔ́ (1)

1. See Chapter V, Article IV and the examples given there (for instance, examples 25, 26, 17).

3. Legal matters

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685 Here we must examine the manner in which breaches of the law are settled between parents-in-law and son-in-law. It is known that among these peoples justice, in the strict sense of the word, is one of the most prominent aspects of social legislation. Theft is one of the principal causes for shame and was formerly severely punished. The thief, especially if he continued to repeat his offence, could be sold as a slave.

606 835 the relations between a wife and her husband's parents are closely connected with the rules pertaining to the prohibition related to affinity and seems to spring from the same source. Therefore it will be useful to have in mind what we have said in the preceding chapter, Article IV.

607 The husband's elder brothers treat his wife as their sister. The wife calls her husband's sisters [300] bakilɔ́, but out of respect she often gives them the title of "mother." (1)

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1. Among the Elánga the wife also calls her husband's sisters bongíli (pl. bangíli); they call her bɔ̌nongíli (pl. bɔ̌nangíli). A wife often calls her husband's mother nyangɔ́ngíli. Bɔ̌nangíli l'ɔ̌nangíli means "the brother's wives and their sisters-in-law."

587 After the husband's death, as has been said suo loco, his father or his brother may marry his widow. But this practice is not well regarded and is permitted only rarely, chiefly when the scattering of the family patrimony is feared or if the two interested parties have an unusual love for each other.

837 602 With respect to children or younger brothers and all those who fall into that category, the situation is altogether different. Illicit relations with wives of their father, grandfather, uncle, elder brother, or elder cousin, are judged much less severely. Generally, misconduct does not give rise to claims for payment, or the payment is demanded "for form's sake" and consists of a hen and a bunch of bananas. By means of this payment the guilty one recognizes his error and renders homage to the right of his elder.

[626] In general public opinion condemns these relations and often with great severity. The question of degree of kinship as well as other considerations result in a great diversity among the cases, so we will examine each situation separately and distinguish each time between the husband's reaction and that of public opinion.

837 626 595 593x A. A woman's misconduct with her husband's son does not result in the payment of an indemnity. Nevertheless, the husband who has been wronged takes action; he defends his rights and is enraged, whether the situation is very serious or not, and especially if he is monogamous. If he has several wives, he is more apt to pass over the matter, unless it involves his favorite. Sometimes he takes revenge by striking the guilty son's mother, taking her hens away from her, etc. But such action may lead to complications: [301] the brother of the woman so treated might intervene, and if the reaction *of the husband* who has been wronged is too violent or recurs too often, a divorce may result. In any case the father never hurts his heedless son's wife, since he loves her like his own daughter.

The father may apply a direct sanction against the offender by delaying the acquisition of a wife for him and refusing his blessings for his son's travels and undertakings -- still a serious thing in purely native society.

Such relations are always greatly criticized by public opinion, even if relatives intervene on the culprit's behalf. The latter is disgraced as a result; he is mocked with the epithet etɔ̃onjɔ́lɔ́, to which [578] often is added the explicative phrase l'ɔ́ála banyangɔ́ b'áningá. Etɔ̃onjɔ́lɔ́ is derived from etɔ̃o, "masculine clothing" and, figuratively, "virility in the physical sense," and from bɔ́lɔ́, "strength." Thus the epithet implies that the culprit is so virile that he goes so far as to unite even with his brothers' mothers.

587 626 Marriage with the father's widow after his death is legitimate. Nevertheless, if the widow has left children, public opinion does not entirely refrain from judgment and though the severity of the criticism cited above will be attenuated, it may still be heard. Such was the case of Yoká of Bokenyola (Bonjoku), which is well known in this region. He married Lokokɔ́, widow of his father Insílo y'Ókátola and mother of Insílo Antoine, present chief of the Bonkoso. (1).

1. With reference to the above-mentioned attitude, an exception must be made with regard to the inheritance of a widow by right

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of seniority (she is then called bosɔ́lɔ́ -- see Chapter III, Article III). The giving of a widow who is in the position described is preferably avoided.

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Illicit relations between a son and his father's wife are judged with especially great severity if the young man's own mother is still alive. He is reproached for his behavior in terms which are clear and crude: Oɔ́y'ɔ́sanganya mbindo ĭkɛ́ la mbindo y'ĭs'â nyangɔ́, "you unite your stains (impurities) with those of your father and [302] mother"; Outɛ́ ĭk'eki wɛ́ wĭmánákâ, "you are returning from whence you came." To these expressions is often added ɔ́wa lɔ́ĭ ɛ́! oleki liloka, "you will die because of your too great wickedness." To the [761] Nkundɔ́ this last statement is a kind of curse, and if it is repeated by several persons it will not fail to have its effect. Or, to speak as our people do, if everyone greatly wails over and against this man, he will really die. (1)

1. This attitude of the Nkundɔ́ may be one of the reasons why widows are assigned not to the son of the deceased, but to his brother.

If the son in question is not married, especially if he has already reached a relatively advanced age, and if he approaches the wives of his polygamous father, the matter is considered less serious. The latter cannot be too angry, especially when only isolated instances are involved; for other relatives will allow their affection for this young man to speak, since they are aware of his passion and therefore understand his temptations and follies. They would intervene to pacify the father and urge him to prevent the repetition of such occurrences by obtaining a wife for his son. In exceptional cases the family council may even judge the father to be in the wrong because of his harshness toward his son and may allow the latter to take his father's wife away from him (never, however, the first wife, the favorite, or the bolĭmbu); such was the case we described in

837 Chapter II, Article XI, 2. But such a situation is far from ideal in
626 Nkundó eyes and is permitted only if, on the one hand, the son ardently loves the woman and, on the other, if the father is too slow in obtaining a wife for him.

837 Here then we observe a conflict between two feelings: a hus-
602 band's jealousy and the affection of a father and various relatives. That is why it is difficult -- as in many situations -- to draw the line between what is permitted and what is forbidden. From what has preceded and from the general explanations given by natives, we can conclude, however, that: [303] 1) relations between a woman and her husband's son are forbidden and severely judged, but with much more leniency than in the case of "superior" relatives; 2) the
[593] father may not go to extremes in repressing misconduct nor ask his own son to pay an indemnity, since to do so would be to enrich himself through his child's misbehaviour, and the latter would have no means of paying him except through him or his mother's clan -- and it would be very unjust and inappropriate to force him to have recourse to the latter.

B. A younger brother calls his elder brother's wife wálf, or
593 wife, and she calls him bómε, or husband, because they may marry
837 one another. Therefore adulterous relations may also be found
607 among them. But in practice some distinctions must be made.

If the younger brother is not married and the elder one has a harem, -- a state of affairs which was very common in the past but today is very rare -- the situation is analogous to the one described above in relation to a father's wife except that there is greater indulgence toward the culprit.

If the elder brother is monogamous and the younger brother a bachelor, relations of the latter with the former's wife when the husband is present are forbidden. If the younger brother nevertheless yields to the temptation, he is condemnable. The husband may not claim an indemnity. But in revenge he may procure for himself a "make-believe indemnity" (nyongo ea bolíambo) by felling one of the culprit's banana trees, taking away his chickens, moving his hut, taking some other similar action. The purpose of these acts, according

593 607 837 to our people, is to inspire the young man with a little more respect for his elder. The latter may not go to extremes, however, (as for example by fighting his younger brother), for fear of being censured for a lack of brotherly love. (1) Besides, the valuables with which he

> 1. A slight brotherly punishment is not taken seriously, particularly if the younger brother is considerably his junior; it is permitted, especially where the younger brother has erred repeatedly.

obtained his wife [304] belong in one sense to both brothers. If the two brothers have different mothers, the elder has many more trumps in his hand. And if in addition his mother's clan has provided the entire bride price or a major part of it, he would win his case entirely as regards the indemnity, although the duty of brotherly love, and therefore of leniency, would still remain. In the case of isolated misdeeds there must always be this leniency. But if the misconduct is frequently repeated, the culprit's excuses no longer carry much weight.

If the younger brother, too, is married, the matter takes on a totally different aspect. Since he has a wife of his own, he no longer has any excuse for satisfying his passions by adulterous means. It is true that the injured husband is still obliged to modulate his anger and its manifestations, but he can obtain more financial satisfaction. The indemnity he claims, however, must be added to the guilty wife's bride price; for it is inconceivable that he enrich himself at his brother's expense. If he himself obtained his brother's wife for him, he may take her away and give her to another brother, cousin, etc., or even take her for himself, in spite of the impediment of affinity. However this is an exceptional case and only applied if the misconduct has been serious and repeated and the culprit has taken an insolent attitude.

If the husband is not present, because he is on a trip or the younger brother has met his sister-in-law while she is staying with her family or traveling elsewhere, the younger brother is entirely free

595[2] 607 857 to have relations with her. If the woman refuses to have relations with her brother-in-law, the latter often reports her ill will to her husband, who will reprimand her or even strike her because she does not love his own brother, and will accuse her of having lovers: ǒnǒna bǒn'ǒá ngǒya, dìongakǎ fik'aend'ǎnkìnǎ. Since there is more affection between brothers born of the same mother, the husband's anger would then be even greater. A lack of affection on the part of his wife arouses her husband's suspicions on the question of her fidelity because Nkundó women are extremely ready to yield to temptation. [305] Therefore if she refuses her own brother-in-law-husband, she must be obtaining satisfaction elsewhere. This reasoning may be false, but it is based on a frequency of cases. The husband's attitude does not show a lack of jealousy; on the contrary, it proves its existence.

If the younger brother meets his sister-in-law in the home of her family, they will intervene on his behalf. They will tell her to receive "her husband" well, to prepare food for him, to clean the hut set aside for him. They will even force her to cohabit with him for the entire duration of his stay in their village. By this means they seek to avoid palavers with their son-in-law. If the woman's antipathy toward her brother-in-law is so great that she cannot be made to submit to him, they sometimes give their visitor another of their daughters (or cousins, etc.), younger than his brother's wife, to perform wifely duties for him.

All those designated as bǎkǎnd in Nkundó terminology fall into the same category as a younger brother (thus younger male cousins are also included). The seriousness of the conflict that may arise on this question and of its consequences vary in proportion to the degree of kinship between the individuals involved.

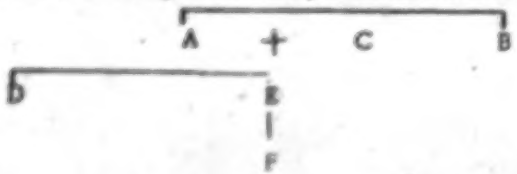
604 857 578 595[2] C. The position of a nephew (bǒnǎnkǎnd) in relation to his maternal uncle's wives is to a great extent comparable to that of a son in relation to his father's wives. The fact that marriage is effected through the payment of a bride price gives the nephew greater freedom; for the uncle was enriched through the marriage of his

nephew's mother. There is no question of indemnity, except that of "respects," to show the nephew's submission, and it consists of a hen and a bunch of bananas. If the nephew refuses to make this gesture of deference and submission, he is considered in the wrong and the entire family gangs up on him in order to save the authority and hierarchy of the family. "You are offending your uncle," they say, "no doubt you want him to die so that you can take his place and profit from the inheritance." And the offended uncle, after being patient for a few days, may demand a real indemnity. [306] But then other considerations become involved, and a new situation is created.

Actually, the young man's mother often -- though not always -- takes his side and turns on her brother. Two situations may arise:

1) The nephew's mother may not be born of the same mother as the uncle. In that case she seldom refrains from intervening on her son's behalf. She reproaches her brother for his hardness and his lack of affection for her, especially if the adulterous wife is her nkita, that is, if she were acquired by means of the bride price paid for her. She will say, "To whom do you owe this wife? And yet you demand riches from my son. Give me back my bride price, so that I may get him a wife." The uncle also gets angry, and sometimes accedes to his indignant sister's request and returns her bride price. If he does so all relationship between brother and sister is broken. But this is an unusual outcome; matters are almost always settled before this extremity is reached.

2) If brother and sister have the same mother, peace is always re-established before this aggravation, and the interchange is limited to a few reproaches and a little momentary anger. For the proverb says, bísáng' nyáng' bɛfomb'ilíng', "hatred between children of the same mother is but feigned, illusory: it is not true or real."



An uncle (see D above) is not entirely free to cure his nephew's (F) passion unless he is the nkɔ́lɔ́ of his sister (E), that is, unless the mother (C) of his sister (E) is the nkita of his aunt (B), [307] who is the sister of his father (A). Indeed in that case his sister may not complain, for she owes him respect and submission; her subordination to her brother and master is greater than the gratitude he owes her for any riches he may have obtained through her or on her account.

D. In the case of the relationship of a grandson (bonkúnú) to his grandfather's wives, his freedom is, in practice, complete. Actually, among the Nkundɔ́ the affection of a grandfather (nkɔ́ngɔ) for his own grandson often exceeds his love for his own son and completely degenerates into weakness. (1) The grandfather puts up with all his

1. As happens very often also in Europe. See Chapter I, Part 1, Article I, 3.

grandson's carryings-on, his whims, all his teasing, his insults, etc.

After illicit relations the grandson sometimes carries his insolence so far as to spontaneously send his grandfather a "mock" indemnity in the form of a basket filled with stones in the place of copper rings.

Although the grandfather treats his grandson with good humor, public opinion does not favor the latter's conduct, though it is more lenient than in the cases described above. The public reaction, as well as the sending of the "mock" fine, shows that in principle these relations are censurable and condemned. Because of present circumstances, particularly marriage at an earlier age than in the past, the age difference between a grandson and his grandfather's wives has increased considerably in the constantly growing number of cases, and their relations have proportionately decreased. (2) [308]

2. We have seen above that other Nkundɔ́ tribes are even less strict in these matters. On the other hand, the Ekonda, a Nkundɔ́ group living on Lake Leopold II, have a

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higher morality -- in our terms. Among them the question of relations between a woman and her husband's son, younger brother, etc., does not even arise. Have they been influenced by some neighboring tribe? Or must we attribute the inferior morality of some of the tribes in this respect to decadence."

837 602 The following conclusions emerge from this long description:

1) Relations between a man and the wife of his son, younger brother, etc., in short of anyone inferior to him in the family hierarchy, are always strictly prohibited and never occur.

2) They do occur on the other hand between an inferior and the wife of his senior and superior. The degree of kinship between the husband and the culprit plays a considerable role in determining the seriousness or triviality of an infraction, the sanctions applied, and the various consequences. Some relations are accepted, others are censured with varying degrees of leniency, still others are pitilessly criticized.

3) In these matters a distinction may be made between two aspects:

a) the husband's reaction and the repression of the illicit relations;

b) the judgment of public opinion;

or:

a) the financial aspect;

b) the moral aspect -- to use that term for want of a better one.

Sometimes a third element comes into play, namely the intervention of the family on the side of the culprit against the injured husband who, for one reason or another, is in the wrong himself.

602 837 694 a) The usual sanction for adultery is, for the man, an indemnity to pay. But such a payment cannot be made since no financial transaction -- strictly speaking at least -- may be made

602 within a group of close kin, seeing that, from a certain standpoint,
937 property belongs to all the members, each sooner or later receiving
684 or inheriting from the other. But in cases where other sanctions can be imposed, they are considered legitimate. [309]

b) Except in the case of relations between brother and sister-
626 in-law -- within the limits described above -- public opinion is
937 severe in its judgment, even more severe than for ordinary cases of
602 adultery, although because of the more tangible nature of the sanctions imposed against the latter, these seem on the surface to be considered more serious; many natives even have that impression. Or at least that is the first impression that spontaneously comes from their explanations; currently, they stress the indemnity, and in their accounts of ancient proceedings and violent sanctions, they forget the other aspect. Others do not distinguish between the two sides of the problem, or distinguish between them only very poorly. Only in going to the bottom of things do they -- like ourselves -- become aware of the two aspects and the importance of not confusing them.

The leniency we observe in certain cases on the part of the interested parties who have been wronged, and sometimes on the part of public opinion, does not seem to us to have been explained as a leniency based on principle nor as a legitimation of these relations (except in the case of brothers within the limits indicated). They seem rather to spring from the affection they have for the culprit, their sympathy for his condition as a bachelor, a certain community of interests, and finally from an evaluation of certain other elements that may be involved (such as a fundamental jealousy in the case of brothers).

602 The great distinction made by the Nkundó in this realm as
191 in others between inferior and superior relatives is based on their conception of authority, which is patriarchal, therefore paternal. What is involved is not so much a fear of power as a reverent awe -- although the first should not be excluded. In their eyes an inferior does not exist for the benefit and advantage of the superior, but the reverse; authority exists for the good of the inferior, who to preserve hierarchy and order must submit to the [310] superior. The superior's duty to help his inferior (in his difficulties, his palavers, his poverty),

602 to be liberal and generous toward him and therefore to make goods
191 available to him, to be lenient in matters concerning justice and property and obliging in conjugal matters -- as long as the principle of authority remains secure is based on the same idea. The exploitation of an inferior by his superior is entirely contrary to the basic nature of Nkundó authority, while the reverse is entirely in conformity with it. (1)

> 1. This attitude may account -- at least to some extent -- for the liberties that the natives readily take with the European, their superior or master, such as domestic thefts, inappropriate requests, the kind of begging and lack of respect for authority that we are accustomed to seeing, etc.

Article VII. Adultery

● 937 For the Nkundó, adultery is an illicit union between a man and a married woman. From the moment the ikulá is paid for a woman, any relations with her by a man other than the husband-to-be are considered adulterous.

1. Terminology

There is no exclusive or specific term in Lonkundo by which our word "adultery" may be translated. There are a number of words in the language which are only partially equivalent to it.

1) First of all, the Nkundó speak of bongombe, a term denoting steady and continuous relations with a woman who is a complete stranger, that is, who is not related in any way. The word designates the relationship as well as the persons involved. This type of adultery is also called a wísamaka or lináámba já njáámá (from the verb ísama) -- that is, a secret, as against a true lináámbá (which will be

137 discussed in the next article). The Bombwanja, the Ionda, and the Injólɔ́ call it lɔ́ngola, "(any) act performed in hiding" (from the verb ɔngola). The Ionda also use [311] the term ekundɛ́ (from the verb kunda, "to bury), which refers to "something that is buried or hidden under a heap."

Nowadays there is a tendency to apply the term linsámbɛ́, without any qualification, to adultery of this sort, at least if it is not limited to a single act. The woman and her lover are both called bonsámbɛ́ (pl. bansámbɛ́).

2) If only an isolated act takes place, it is called yɛ́tsí (from the verb ɛta, "to call"). But this term may also be applied to unmarried persons. Strictly speaking, it denotes a single union and not continuous relations. Certain tribes (the Injólɔ́, the Elángɛ́) also have the word efongo (for instance in the expression nyong'ɛ́ efongo, "indemnity for a single instance").

3) The term lonkâna (bombakɛ́ among the Bombwanja) designates adultery between persons belonging to a single exogamous entity and, by extension, between persons belonging to different families but comprising a single settlement.

As the word itself indicates, the relations involved take place between "cousins" in the broadest sense of the term.

837 192 The natives gave me an account of the etymology of the terms bongombe and lonkâna, which it may be useful to repeat here. They are believed to have been invented by fickle wives and their lovers in order to hide their illicit love affairs. Even of old there were relations between the Nkundó and the Ngombe. A Ngombe who appeared in a Nkundó village was the object of the curiosity of all the young people. A man going to his paramour (or vice versa) or coming back at a very late hour could reply, if suspicions were aroused, that he had been to see the Ngombe. The same trick could be used in a case of lonkâna. I am passing on this explanation for whatever it's worth -- (for lonkâna, for instance, the etymology I cited at the beginning seems a good deal more natural), [312] it may be of interest at some time to have it noted and preserved in writing.

837 [196] 4) To indicate a tendency toward adultery (especially on the part of women) the Nkundó use the verb fâfoka which literally denotes clothing that is too big and that flies in the wind. The noun loyó or boyó is also used.

The verb used for discovering a case of adultery is tɛ́mbola, the noun is mtɛ́mbó.

Occasional or permanent adultery has always been very common. This fact is undoubtedly due to the relative ease with which it is possible to escape discovery and consequent sanctions. A woman [574] going to visit her family cannot possibly be followed or watched by her husband; the distances make such surveillance difficult and, furthermore, it would have disastrous consequences for the stability of the marriage, since neither the woman nor her family would put up with it. Other partial causes are lasciviousness, polygamy, etc., as we will see later in the text.

2. Gifts

837 431 An adulterous man and woman send each other presents; his consist of meat, arrows, etc., hers of food and various small objects. A woman's gifts to her lover are called botúmo (the noun [602] used with the verb tumba, "to make burn" (1). Very young relatives

1. Note that the noun and the verb are not etymologically related. Perhaps botúmo might be related to túma, "to show, to designate." The Ekonda call this gift elika. See Chapter II, Article I.

generally serve as intermediaries. Note that a woman rarely sends her son, for she has reason to fear that the gift would not reach its destination; the boy would give himself a treat with it. She can have more confidence in a daughter.

A man's gift is called by the generic term mpató, "a gift that is sent, a dispatch." [313]

In isolated cases (yɛ́tsi) a man sends an arrow, some small object, beads, meat, etc. Nowadays money or cloth have been

837 431 substituted for all these items. As a rule the woman demands some remuneration although there are exceptions, which may be frequent or rare, depending on the region and on the nature of the persons involved. They are due to extraordinary passion or to the woman's love for her lover. (1)

1. See Chapter I, Part 1, Article IV.

3. Evidence of adultery

837 684 The strength of the evidence may vary.

1) The strongest evidence is finding the couple in flagrante delicto. No objection will hold up against it, and it constitutes for the application of the severest sanctions. The act must be observed by the husband. The testimony of a third party is never introduced. If another person discovers the adultery and favors the husband, that person will inform the latter so that he can take precautions in order to catch the culprits personally. If it is discovered by the woman's father or other close relative who favors the husband, [606] he informs the latter and, if possible, calls him to witness the infraction himself. If he does so, the husband must give the indemnity to his father-in-law. This is not a legal obligation but one imposed by good relations and decorum, since the father-in-law has shown good will and affection toward his son-in-law.

2) A wife's admission is almost as important and always decisive. Such a confession mitigates her husband's anger toward her and directs it chiefly toward her accomplice. Therefore most women do not hesitate to denounce their paramours if they feel somewhat cornered. (On the other hand, women never denounce each other.) [314]

3) A third form of evidence can be obtained by surprising the lovers while they are planning a meeting. The husband can accuse them on the spot and try to extract a complete confession from his wife on the subject of the past or the future. If possible he assures himself of the co-operation of witnesses. If he foresees a denial on his wife's part, he lets the occasion pass and looks for a good opportunity to surprise the culprits in the act. Regardless of the

837 684 wife's inclinations, a husband often will not intervene at once; he will give no sign of what he has observed but will skillfully seek an opportunity to observe the pair in flagrante delicto, so that he can take more violent action. This approach is absolutely necessary if he has nothing but suspicions, even if they are well founded. To act otherwise would not have great results and would show a lack of judgment -- often true of young, inexperienced husbands or ones with too irascible a temperament. An intercepted message bearing an invitation or an acceptance has the same practical value.

This form of evidence is weaker than the two preceding ones -- unless these are added -- and justifies only certain sanctions.

4) The sight of lovers giving gifts, either from hand to hand or through an intermediary (" with so-and-so's compliments") also has its value as evidence. But here again the best approach is to use this evidence as a means of obtaining the wife's confession. That is the only practical value of discovering gifts in the wife's possession. If a wife finds no explanations that will pacify the husband, she is forced to admit the act and denounce her accomplice.

4. Sanctions

684 Nkundó law includes several sanctions against adultery some of which are applicable to the spouse, some to the accomplice, and some to an intermediary (ekíma). There are differences [315] in the application of these sanctions depending on the gravity of the case (for instance, repetition of an offence or a habitual offence), the inclinations or temperaments of the persons involved, and the value of the evidence. Although the sanctions are legitimated by law, most of them are applied at the spouse's initiative; but in some instances the authority of the family as well as that of the ndonga have to be involved. Therefore the following varied situations should be pointed out:

A. A husband's sanctions against an adulterous wife.

a) In the case of a delicto flagrante, the husband may beat his wife, wound her, and even kill her. Neither she nor her family have the right to complain. If he kills her he is no longer entitled

that she becomes accustomed to her husband's relations with various other women. Consequently, the reaction of the women in general [325] against adultery is much weaker than that of the men. Moreover, because of this same system, a woman is much more exposed to weakness, and stronger sanctions are therefore necessary to insure her fidelity.

Finally, there is one last reason for considering a woman's misconduct as more serious. It is the danger of conception through adultery, with all the attendant consequences: risks for the pregnant woman, forced continence for the husband, etc. (1)

1. See no. 6 below as well as Chapter I, Part 2, Article IV, 3, and Chapter X, Article II, 3.

From the description of sanctions it is apparent that in spite of the woman's inferior position, Nkundó law does not leave husbands the full and complete freedom which, according to certain writers, they are accorded among other peoples. Even if the means of repression available to the wife do not incontestably prove that the husband has an obligation of conjugal fidelity -- and the wife's legal status explains a great deal -- the fact remains that the ndonga as well as public opinion approve of even her violent reaction, proving that she is right and the husband wrong.

5. Public opinion

Public opinion is fairly lenient in relation to isolated instances (yětsi, efongo). It clearly recognizes the error involved in infringing on the conjugal rights of another, but the error is attributed to human weakness. In the case of habit the situation is different; it is criticized frequently and severely. Habitual sinners are called efáfóká (from the verb fafoka, literally "to flutter" and figuratively "to flirt"), ebóngá or ebábóngá (from the verb bâbonga) or ebábóá (from bâboa) "to flutter, to be flighty and fickle." These epithets are applied primarily to women, who are more subject to this failing than men.

626 837 The shame attached to the discovery of this sort of misconduct in the better circles in Europe is unknown among the Nkundó. This is natural since isolated instances are readily excused. As to [152] the habitual offenders, they are sensitive [326] to the above-mentioned epithets but will not correct their ways on this account any more than people in other parts of the world.

837 626 684 An adulterous husband is criticized as much as an adulterous wife in spite of the difference in the means of repression which Nkundó law provides for their respective misconduct.

Public opinion therefore corroborates the conclusion toward which our examination of sanctions has pointed, namely that adultery is condemned by the Nkundó. Opinion is not based on the existence of the sanction but seems to spring from their innate mentality, which makes them perceive adultery as a disorder.

6. Aggravating circumstances

837 842 672 If a case of adultery is followed by conception, it becomes especially serious, and for the husband as much as for the natural father. Indeed the latter must assume all the consequences. When circumstances permit the husband makes his wife denounce her accomplice, and she does not refuse to do so. The husband then calls a meeting and demands a pledge (ndanga) from the culprit, who in that way acknowledges that he is at fault and shows his willingness to assume all responsibility. If there is a miscarriage or the child dies during delivery, the natural father must pay the legal father an indemnity of "a slave" or more (sometimes 50 rings); a smaller indemnity is required for a child who is only deformed or sickly. If the mother dies the indemnity consists of a slave and 50 rings, and it may go as high as 100 rings.

In the interim the husband no longer goes near his wife. He leaves her to her lover, who must "preserve the foetus" and observe all the rites and practices associated with pregnancy and childbirth, since, physically, he is the father. (1) [327]

1. For fuller details see Chapter X, Article II, 3. For analogous practices

672 837 [842] in the case of an unmarried mother, see Chapter I, Part 1, Article III, 3.

[843] Adultery also becomes especially serious during the period preceding childbirth when there is a special prohibition against it, as endangering the lives of both mother and child, as we will explain in Chapter X, Article III.

7. Remarks and general conclusions

837 [721] 1) In former times the offense of adultery, even in its mildest form, that is, an isolated act, was one of the chief causes of "wars" between villages. Sometimes both sides called on their relatives by marriage to assist them, and the result was a general upheaval.

837 595* 2) As a rule a husband wants his wife to be faithful. Doubtless there are exceptions. Most if not all of them were formerly found among the old polygamists. At their age they were disgusted with continual palavers, and their experience as men had taught them that they often became angry and uselessly complicated their little lives. They preferred to close their eyes, like good old Bonoť w'ikolongo of Iteko (the Bombwanja clan of the Boóyá). He came to see me in the Christian village of Bombomba through which I was passing at the beginning of March, 1933. I asked him why he was adorned with so many bells, and he answered naively, "I always wear them. That way my wives know of my coming already from a distance. It gives them time to stop slandering me and to send their lovers away." When I expressed my surprise that he did not want to catch them in the act in order to punish them and end their infidelities, he answered me with a smile, "No, Father, jealousy . . . is for the young. As for me, I have seen so much of it that I no longer have any desire to get angry and make palavers for these trivialities."

548 837 595* Since the coming of the Europeans some unscrupulous men -- especially polygamists -- have been engaging in [328] a kind of procuring. They send their wives to commit adultery in order to be able to catch them in the act and thus enrich themselves. Or else they lend their wives for one night or more to laborers or soldiers who are

548 bachelors in law or in fact.
837 595x Knowing their wives' weak and sensual natures, some men save the rings that come to them as indemnities -- today as in the past. When this capital has grown sufficiently, they use it to acquire a new wife. The latter is in a sense the other wife's nkita, and she is called, rather crudely, nkita e' efufa, efufa being the piece of cloth (apron) worn by the women. Such action does not mean that the husband wishes to speculate in immorality. He simply profits from what is a fact. But this attitude could easily degenerate, and at the present time the danger that it might is no longer imaginary, although for the moment things have not gone that far. Watchfulness on the part of administrative authorities can avoid all exploitation of marital infidelity by preventing the development of this evil or checking it where it already exists.

837 593x The attitude toward a spouse's adultery varies greatly with different situations. These variations spring not only from the temperament of the injured party -- this goes without saying -- but also from the way the one guilty of adultery fulfills other marital obligations. This is particularly true with respect to a woman's "weaknesses." If she otherwise shows herself to be a devoted wife who is attentive, respectful, hard working, and one who takes the interests of her husband and children to heart, in a word, a good housewife, her husband will regret her infidelities, but he will pay less attention to these failings, since she compensates for them by many good qualities which show that she seriously loves him and lets herself go solely out of weakness. On the other hand, if a wife becomes neglectful, [329], disagreeable, and disrespectful, the change will indicate that something other than just weakness is involved, that her love for her husband has cooled and has chosen another object.

This is the sound philosophy of conjugal life among the Nkundó, as it is proclaimed and taught by all their old men and sages.

837 3) In spite of the terrible sanctions against adultery, it would appear that this offence has always been common. Certain events, such as deaths, feasts, and dances which last long into the night, are especially conducive to laxity. But even under ordinary

837 circumstances, the dark of evening provides strong provocation. A noisy crowd of young people is often deliberately aroused for the purpose of hiding such frolics. Women especially are the ones to start the scene (called iole). They begin with "games," pinching, etc. Sometimes those who are bolder cry out, iole o! by way of a signal. These irregularities are sometimes agreed upon in advance; other times they are provoked without any advance agreement. The husbands intervene, but it is very difficult for them to catch the culprits.

577 837 4) It would seem that according to Nkundó notions, adultery is not a moral fault, even in the broadest sense of the term, and not punishable by a nonearthly power of religion or superstition, which would intervene to re-establish the order that has been disrupted. Rather one has the impression that their law pertaining to it is purely social. Not that I want to say that this law and its sanctions do not, in the last analysis, spring from a moral idea; but if this moral idea exists, it is very vague and confused and is not expressed by our people. In practice all attention is focused on the sanctions because of the injury to property rights. There never seems to be the slightest reference to a moral religious idea. [330]

And this is probably the chief reason for the frequency of adultery in spite of the sanctions, for while these undoubtedly reduce the evil they are powerless to stop it. But this statement does not apply exclusively to our people. Every law is an ideal. Sanctions attempt to ensure that it is observed. But the masses never attain the intended goal. When some individuals are superior to the ideal imposed by law, it is because society falls short in performing its task, as is the case in Europe today. Among the Nkundó, law and society are superior to the morality of individuals. Besides, sanctions though necessary have never sufficed to assure perfect obedience of laws: nihil leges sine moribus. Good morals must come from considerations that are superior to particular laws and the basis for them.

Although, as we have seen, the Nkundó do not connect the subject at hand in any way with their religious understanding, how can we explain the praiseworthy conduct of many individuals? In my opinion although the Nkundó are not aware of the relationship between the law and its ultimate legislator, they are not without a certain vague, innate feeling that adultery is immoral, and this is corroberated by

837 577 their sense of the personal injustice involved. But they do not reason out these feelings; they follow them spontaneously, blindly.

There is a greater awareness of the social evil in adultery. But it is based not on the philosophical considerations of this harm in itself, but on the consequences of individual cases for the proper functioning of society -- palavers, financial difficulties, enmities, quarrels, wars.

This it seems to me is the present state of their ideas. It does not preclude the possibility that the law and sanctions against adultery may rest on an ultimate basis of moral ideas. And more particularly it is quite possible that the moral idea [331] operates only in the form of a feeling of the great principles of fundamental natural law which is innate to all human reason.

837 177 5) No one will be astonished if we say that colonization, far from reducing the frequency of adultery, actually contributed to its considerable increase. The abolition of native penalties and punishments together with a great freedom of movement could not help but lead, naturally, to this state of affairs. Every informed colonial who is in close contact with the natives is aware of the situation. "The prohibition of corporal punishments which, according to custom, were the sanctions imposed against a woman's adultery have brought about a license whose extent can be measured by the degree to which a group is subject to our occupation. The forgetfulness if not the contempt for the promises of marriage is nowhere carried so far as in places where the customary disciplines have been completely removed." [113] (Maj. Engels, Bulletin Soc. Belge. Et. Col., cited in Congo, 3rd year, Vol. 1, p. 77, April, 1922). That is why various persons have repeatedly called for sanctions against adultery to replace the ancestral means of repression that have been abolished.

692 177 837 But the decrees hoped for have never passed beyond the stage of mere projects. Fortunately, another step, and a fundamental one, has been taken in the meantime through the establishment of native jurisdiction (1926). Under the guidance and control of European authorities, native courts will turn the helm halfway back to the ancient sanctions, adapting these all the while to the new conditions created by colonization and by the introduction of more humanitarian

777 ideas. Nevertheless, great care must be exercised not to go to ex-
692 tremes in introducing these ideas to the point where a society only
837 just beginning to emerge from a pagan barbarism because of the
presence of a civilization based on Christianity, is treated as an
equal of European communities. Native society must evolve gradually
and harmoniously. Rushing is often synonymous with breaking, and
it is always a [332] great mistake. And in the matters under dis-
cussion, the abolition of sanctions which, in spite of their imperfec-
tion and their inadequacy for fulfilling the whole task, have been
shown to have a real efficacy, has removed all the coercive power of
Nkundó law. A sentimental and excessive humanitarianism must
yield before the native society's right to respect for its vital institu-
tions -- unless these are entirely to be condemned -- and therefore
before the necessity for severe punishments which it cannot do with-
out for the moment. For our natives are not yet ready for a complete
abolition of their customary sanctions, since they still lack a new
foundation that would replace their fear of the ancient penalties. Let
us therefore take care not to take all means of punishment away from
husbands and wives, even if they seem somewhat violent from our
viewpoint. Finally, there is no sense in overstressing a respect for
members of the weaker sex, who by their very nature sometimes
need punishment for the greater good of the whole community. More-
over, as for this respect, our Nkundó do not understand it at all; the
way we conceive of it is entirely opposed to their mentality and their
laws. Therefore, everything will work out more easily if the native
courts are given sufficient latitude to act in the spirit of their ancestral
law and if their activity is guided by a constant, informed, and
sympathetic control whose sole aim is the healthy evolution of native
society.

000 If it is applied within these limits and under these conditions,
Nkundó law can redress many wrongs and help to save native society
from the abyss into which it is in danger of falling. In spite of its
faults and imperfections, it is preferable not only to the system of
freedom (or license) which has reigned for many years, but also to

000 new legislation emanating from the European power, a very slow and complex system (the law against adultery which has been requested for decades is still in the realm of studies and projects), lacking in flexibility and the ability to adapt to the very varied circumstances of the peoples of the Congo. A law is needed only for the persons who do not fall within the jurisdiction of the native courts, in order to preserve harmony and impartiality in the exercise of justice, since native society must of necessity feel its effects.

Article VIII. Relations Permitted to the Wife

●837 In this article we will examine the relations a wife may have -- under certain conditions -- with various persons. According to our law, such relations would be adulterous, but Nkundó law does not consider them as such. From this arises the difference between this article and the preceding one. Such relations may be 1) transitory or 2) permanent (concubinage).

1. Transitory relations

837 561 [574] A wife is permitted to have sexual relations with her husband's age mates (baninga, sing. boninga). (1) When one comes to

1. See Chapter I, Part 1, Article III.

the home of another in the course of travel, the host lends his wives to the visitor, saying: "Here is your house; here are your wives." If he is monogamous he leaves his house and his spouse at the visitor's disposal and goes to bed elsewhere alone. If a woman who is traveling arrives [illegible] village of one of her husband's age mates, the latter -- as soon as he learns of her presence -- invites her to stay in his home for the length of her stay. When they say good-by he gives her a present for her husband" with the boninga's compliments." When one visits another, wives are often exchanged.

837 561 Such is the practice among age mates who maintain good and true relationships. They have free access to each other's wives, and [334] their actions cannot give rise to claims or fines. Nor if one is more "stingy" in the native view than another, can the latter start palavers with him on that account. But such an attitude will result in a cooling of the cordiality of their relationship, and refusals will be reciprocated.

Age mates do not demand indemnities from each other because it is not fitting for one to enrich himself at the other's expense. This rule applies even to "private" relations, to a simple "call," occurring without the lending described above. But if one of them goes too far, that is if he avails himself of another's wife two or three times without the latter doing likewise, a palaver may arise. The husband will believe that he has been wronged and will demand an indemnity. If his companion refuses on the grounds of the relationship which unites them, he may receive a reply such as the following: ininga ɛtswɛngela ndɛ ba-li ɛ? "is the age-mate relationship a means for acquiring wives?" A regular battle may follow, and the husband is the one who will win the case before the court.

There are no relations permitted between men and women age mates. Such relations would be considered typical adultery.

The relations between a man and his age-mate's wife are therefore permitted not in themselves, but because of the husband's willingness to have them occur. Furthermore, the husband is not strictly required to yield his wife to him. That he does so is a [572] matter of good friendship, harmony, payment for services, and mutual respect and affection. From the purely matrimonial point of view, the terrain is free and neutral since, they say, the relations involved are purely private between them, and each one does what he thinks best.

837 572 In addition to the boninga, the Nkundɔ have a relationship called boseka, "friendship," "friend." (It is called bokandeko among the Bombwanja). (1) In contrast to the practices that prevail between

1. See Chapter I, Part1, Article III.

837 age mates, the friendship pact has no connection with the wives of
572 the men involved. If [335] there is a very firm friendship between them, one may lend his wife to the other in some situation or other, but this is a fairly rare occurrence. The Nkundó say that the boeeka relationship is for mutual assistance only.

If a case of adultery occurs, the husband has every right to demand an indemnity, but if the occurrence is not repeated, he never goes to extremes, and, because of the friendship, he may ask as little as 2 or 3 rings. If the occurrences are repeated without reciprocity, however, the husband often makes a great to-do; he demands a large indemnity and breaks the friendship pact.

Instead of demanding an indemnity some men give their
[933] friend a gift (mpóli) asking him to stop the illicit relations. Often this action is but a subterfuge to relax the other's vigilance so that, feeling freer, he will be more easily apprehended.

837 Between persons bearing the same name (ndoí, pl. bandoí). (1)
551

1. See Chapter I, Part 1, Article III.

there is no free access to wives, nor are persons of opposite sexes ever considered ndoí. Such relations would be considered concubinage or pure and simple adultery.

To summarize, a certain freedom of access to each other's
837 wives exists among age mates, but it is subject to the expressed or tacit consent of the respective husbands. These relations are not considered adulterous. Such freedom does not exist with respect to other categories of persons. But these, nevertheless, had to be mentioned here because the similarity among the kinds of relationship discussed might produce errors in the reader's mind, and because in certain parts of the Congo such persons fall into the same category as Nkundó age mates.

2. Concubinage

595x Concubinage (called linámbá among the Bokote, isoke
837 among the Bombwanja as well as the Ekonda) is a union [335] between

575 a man and another's wife which is legitimate, regulated, officially
837 acknowledged, and accepted. It is not a marriage; there is no bride price nor are there witnesses other than the woman herself; the wife does not belong to the secondary husband, and in case of a rupture of relations, there is no restitution of valuables however numerous they may be. A man who in this manner purchases the right to cohabit with the wife of another does so because of poverty; he does not have the means to pay a bride price for this woman or
[626] any other. Therefore he is disdained and scorned by his fellows. To a certain extent the husband and the lover share a common life: they give each other presents and food, help each other, eat together, and call each other bakalé, the same name by which wives of a polygamist address each other.

Such a concubinage can last fairly long. It is usually difficult to break, for the legitimate husband takes such a breaking up badly and considers it an injustice. If the husband is rich and influential, it is dangerous for the partner to dissolve the relationship for he will have to count on the husband's wrath. Thus in the past such a union could continue for many years (in that case it was called ekókó) until the lover (bomámbé, pl. bamámbé) was rich enough to free himself. Often it continued for an entire lifetime, and the partner settled in the lofinjé (a place occupied by a man and his wives) of the husband (limámbé jé njelémgwé, enjwéki); he thus became like the husband's child. Nowadays this custom has become much less common because of the freedom resulting from colonization as well as the greater possibility of acquiring wealth. This diminution shows that the practice is not ideal, even in native eyes, and is only a last resort resulting from the state of the distribution of wealth.

A man who desires to live in concubinage with another man's wife has some relations with her in secret and then makes the matter public. For that purpose he gives the woman a knife or a few bakonga to take to her [337] husband. Or he may even call a meeting of the patriarchs and pay the husband in front of them. To make a concubinage public in this way is called ója limámbé, "to make

the concubinage come out," (the intransitive of the verb is ôla), or
937 ieja (iela) lisɔfmbɔ, "to bring out into daylight, to make public."

The payment for the right of concubinage is called lonyɔfmo, although it may also be designated simply by the term lisɔfmbɔ (loko). To show his agreement the woman's husband sends the partner a dog or a few hens (2, 3, 5, or more, depending on his wealth or his satisfaction). The intermediary is not the woman involved but one of her co-wives. Nor is one of the husband's children ever charged with this office. Thereafter, the two partners
[336] regularly give each other gifts. The husband's presents are all called hotɔmo (the generic term given to all presents from a woman to her lover), while those of the other man are called by the term mpatɔ, "package, gift sent" -- also a generic term.

Often the woman herself urges her lover to make their concubinage public because she wishes to regularize the situation as she fears its possible consequences. Sometimes she threatens to break off all relations, but usually she nevertheless succumbs to temptation.

As soon as the concubinage is made public in the manner described, that publication itself renders it legitimate. The expression used for the act of contracting such a union is kɔta lisɔfmbɔ.

If a woman's official lover catches her in the act of adultery, he does not denounce her to her husband but personally demands an indemnity as if he himself were the legitimate husband. If the culprit refuses to pay him, the lover breaks off relations with the woman and denounces her to her husband. Thus the adulterer is punished in any case, and from his point of view it is preferable to pay the bosɔfmbɔ, who will be satisfied with a smaller indemnity. [338]

Since the woman does not belong to her lover, he has no rights whatsoever to the fruits of her labor or to her children, who are considered her husband's. But the partner has a right to expect that the woman will prepare food for him. The husband, for his part, has the right to his partner's assistance. The social situation is therefore entirely in the husband's favor. The lover's only gain is to have access to a woman whom he could not otherwise have obtained. But the respect due to the legitimate husband prohibits him from freely availing himself of the woman while he is in the village.

Some men are strict on this point, while others are more tolerant. Clearly, the technique of such men is most subtle. The more a wife's lover is permitted his freedom, the greater is the likelihood that other women, who prefer a young man passionately enamoured of them to their husband, will ask the polygamist to marry them. A man who is sufficiently wealthy and influential can in this manner build up a harem from which he does not benefit physically but which assures him of a dominant social position.

This practice exists almost exclusively in conjunction with polygamy, but cases do occur among monogamists. And among more "civilized" tribes, such as the riverain people of the Lower Congo, a tendency in that direction is developing.

A request for concubinate made by a relative of the husband cannot be considered in the same category with the situation we have just examined. Such a request is more closely related to the request for an inherited wife (see Chapter III, Article II). The difference is obvious. The only thing the two situations have in common is the fact of legitimate cohabitation with another man's wife. One perceives this immediately upon comparing the two.

Article IX. The Family's Role in Marriage

We have found that there are situations in which a woman is to some extent considered and treated as the wife not only of her husband, but also of certain of his relatives (Article VI). Moreover, we have seen in Chapter II the big role that the families play in the arrangement and continuation of their children's marriage. In discussing the question of the inheritance of wives, we have seen that the close relatives of the deceased have rights over the widow; one of them may marry her without any obligations toward the chief heir, and the new union is not a new marriage but a continuation of the previous marriage, which is not broken in spite of the first husband's death. A similar observation was made in relation to the practice of wife replacement (Chapter III, Article IV).

All this leads us to raise a question: To what extent does the family have collective rights over the wife? The following answer is

595[a] 554 that no one will see her. She lives in this house in the company of her ebisa, her daughters, some female relatives, or even another of her husband's wives, who must wait on her, prepare food for her, etc., and who go out and enter freely. Her husband also enters at will and spends the usual number of nights with her. No other man is permitted to enter the enclosure.

During her period of seclusion, the bolɛmbɛ may not do the slightest work. She does not wash with water, but only with palm oil. She walks only on mats. She is also exempt from mourning for her parents. (Compare with Chapter I, Part 1, Article II.)

When the period of seclusion comes to an end, the husband announces the coming-out feast. There is merrymaking, dancing, and drinking. Mats are spread from the door of [351] the hut of seclusion all the way to the middle of the street. The two men who brought the woman to the hut come again and, taking her by the arms at the entrance to the enclosure, lead her over the mats. The ceremony thus ends without further ado.

The bolɛmbɛ is henceforth free and acts like any other woman except for the wearing of furs. She may work, draw water, cook, travel, visit her parents, etc. But her husband's [563] honor and his reputation as a rich man require that he give his [567] bolɛmbɛ one or several slaves, or Batswa, or -- as is more frequently done -- one or two bibisa, who are supposed to take [317] care of her housework and thus free the princess.

595[a] 554 837 614 Adultery with her -- after her seclusion -- is more severely punished than misconduct with an ordinary woman as regards the indemnity to be paid. But as a flagrant insult, it is considered very serious indeed, not so much as an infringement of marital rights as an attack on the honor of the whole clan or group of clans involved. Thus, while adultery with a nkɛmbɛ, for instance, is a private matter, arousing the husband's jealousy and anger, misconduct with a bolɛmbɛ is a public offense. The whole clan is enraged -- for they believe that their honor has been attacked, and all the members together press for vengeance for

this outrage (nkala cicki ɛy'olɔmɔ). It is a kind of national dishonor. This observation also clearly pinpoints the great difference between the favorite and the bolɔmbɛ.

The following custom should be mentioned in this connection: if any man, even a stranger or one who comes from a great distance, comes and -- over the fence -- strikes the roof of a bolɔmbɛ's ilako of seclusion with his elɔkɔ (1) as a call to

1. A wooden bell (see Congo, 1935, Vol. 2, p. 366, figs. 4 and 5).

war, the whole village is obliged to take up arms to defend him. All the men [352] accompany him and unite with his family against the enemy clan, whatever the distance may be. The Nkundó say that the act of touching the bolɔmbɛ's hut infuriates the entire clan and makes them take up arms without hesitation. (1)

1. Compare the result of a serious offense, whose effect is entirely in the offender's favor, to analogous cases described previously, for example in Chapter III, Article VII; Chapter VI, Article V, 4, Appendix; and below in Chapter VIII, Article II, 3, (2).

One last indication of the social nature of this institution is the fact that the bolɔmbɛ has the right to sit beside her husband at public gatherings and feasts, a prerogative which she alone of all women possesses. With her is a boy or girl who serves as her "boy" and carries the seat (bokɔnga) on which she sits.

When a bolɔmbɛ dies her husband may put another in her place. To do so he repeats the ceremony described above. It is called sangoja bolɔmbɛ, "to make succeed to the title of bolɔmbɛ."

As we saw in Chapter I, Part 1, Article II, a man may even make his daughter a bolɔmbɛ.

345 Since there are many wives, they have much less work in preparing the husband's food, regardless of whether the co-wives divide the days among themselves or cook for him every day. Therefore, the fields they have to prepare and care for are less extensive, there is less firewood to fetch, less manioc to soak, fewer vegetables to grow, etc. On the other hand, if a monogamous husband has visitors, his wife's work never ends.

In addition to this reason there is another, which is not admitted but is given categorically by impartial natives: it is freedom or license. The wife of a monogamist is always bound to her husband and can absent herself [367] only with difficulty. Her husband wants to have her near him, both for food and for conjugal relations. A polygamist's wife is a good deal freer. Even her prolonged absence does not disturb her husband unless he suspects infidelity or is excessively jealous. Furthermore, [367] since the various wives have their specific nights, she has more freedom to give herself to her lovers. For many wives this is the chief reason for their preference for polygamy -- we are speaking, of course, of the situation today.

Article IX. Children of a Polygamist

The various children of a polygamist live with their respective mothers, who must provide their sustenance and bring them up. Usually the other wives are strangers to them, and their contacts with them are not much more frequent than with the other women in the village. If a special affection binds their mother to her co-wives, children also become involved, just as they are involved in the antipathies, dissensions, and rivalries of the harem. Usually they respect their father's wives, especially the elderly ones. But later a boy may allow himself to be carried away by passion and have illicit relations with one of the younger wives.

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> of this rule, however, could trouble the religious feelings of native Christians and thus produce an effect that is the reverse of the one desired. A religious marriage is in fact indissoluble, and in such cases the obligation to make restitution would be equivalent to a recognition that a religious union could be dissolved. And not only would the native consider this an opposition between the public authorities and Christian morality, but in addition the stability of marriages in general would greatly suffer.

here it must be noted that certain parents use hypocritical circumventions rather than openly showing their refusal. This is how they go about it: if the woman has really abandoned her husband and he, for good reasons such as those given above, no longer cares for his wife with whom he can no longer live (especially if he is monogamous), the question of reimbursement arises. The woman, in connivance with her parents, who do not want to make restitution of the bride price, publicly and officially declares that she is not leaving her husband and wishes to return to the conjugal household, whereas her only intention is to help her parents avoid paying the bride-price refunded. In time she will manage to get out of it one way or another.

3. Special cases

586x There are some rather special cases in the dissolution of marriage. The first has occurred more frequently since colonization, while the last has practically disappeared.

586x 1) Njangó. This word is the noun form of the verb angola, "to seduce or lead astray" (another's wife, his laborer, his slave, etc.). Therefore, it is a generic term, but it is primarily applied to the seduction of a married woman in order to make her leave her husband. It therefore denotes a man's act. Of the woman it is

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586 simply said that she has left her husband (a̰ŏkófa) and has been taken
937 in marriage by X (a̰ŏkúmbwa éka Sóngóló). Having fallen in love
587 with another man's wife [390] and desiring to marry her, a man tries to win her favor. If she consents he collects the valuables necessary for the bride price. He then asks the woman to come to him and pays the bride price as for any marriage.

Instead of going directly to her seducer, the woman may also first go to her parents, especially if they are in favor of her plan. If they are not she would not succeed, because they would prevent her from carrying it out.

Cases of njangó were formerly rare because they were risky.
[721] As a matter of fact, they constituted a casus belli. Anyone who undertook such a venture had to be in a position to take the conse-
[178] quences of his act, especially with respect to the payment of an indemnity. Nowadays, on the other hand, these occurrences are much more frequent, even when the new husband does not have the means to pay the bride price at once. Nevertheless, the reversal in government policy is beginning to produce good results. The woman, or her mother, is often imprisoned; rarely the seducer. This penalty is often sufficient to restore order. But to keep from being exposed to further difficulties caused by the woman who no longer loves him, the abandoned husband sometimes refuses to take back his unfaithful wife.

The rarity of cases in former times as well as the fact that
[671] they constituted a legitimate reason for war shows that the njangó did not have the approval of Nkundó law but that it was more or less considered an infraction.

586 2) Taking refuge. Because of the change in circumstances,
577 the practice of taking refuge is no longer common today. It used to be done as follows: A woman who absolutely wanted to leave her husband and had no means of doing so, since no man had asked for her in marriage and her parents were powerless to help her, went secretly to a rich and influential man whom she would have liked as a husband. She arrived unexpectedly, stood before him, or even threw herself at him, crying, [391] Bejwó bɛ̂kɛ́! ónjángé.

843 a woman's mother proceeded with the ceremony in the absence of the husband and his family. The latter were furious. They revealed the matter so that if anything should happen later to the mother or the child the law would be on their side. In that way the husband could evade responsibility and place the blame on his wife and her family so that they would have to pay an indemnity.

The pregnant woman does not remove the paint for three or [301] four weeks after the ceremony. Nowadays the use of paint having [178] disappeared except for certain occasions and among older persons, it is left on for only one night. In addition the surface smeared has been reduced to a line in the middle of the head or even one single spot.

[783] During this ceremony the Bombwanja have a public confession (etato) of the lovers. But since the Bokóté wait until after delivery, [837] we will deal with it later on.

On the night following the ceremony described, the couple [833] [476] "fasten the fetus" through their carnal union. Were they to omit this act, the child would die before birth.

For subsequent pregnancies the fastening of the fetus is no longer preceded by the same formalities.

The couple continue to have relations during the entire [833] period of pregnancy "in order to open an easy passage for the child." 843 On the other hand, they must strictly observe marital fidelity. 837 Nevertheless, a polygamist may have relations with his other wives.

In addition to this essential art, the interdict also includes a secondary part; the couple may not even commit acts even very remotely related to procreation. Thus they may not:

1) Touch in any way whatsoever -- even to shaking their hands -- persons with whom they have had adulterous relations; such persons must therefore be avoided.

2) Sit next to such persons.

3) Look at them.

4) Enter a house or apartment where they are.

5) Eat "from the same pot."

6) Lie in another couple's bed.

7) Other persons may no longer sleep in the bed of the couple bound by the bokeka.

843 837 This law requiring a most strict fidelity lasts until the end of the bokeka for the husband, but until the weaning of the child for the wife. It is especially strict for the period of seclusion (see below, Article III, 3).

The violation of the essential stipulation of this interdict (-fénda bokeka) results either in the death of the woman during pregnancy and especially during seclusion or in the death of the child later on. [477]

A. If the woman dies during this period, the suspicion is placed a priori on her husband. The Nkundó say abfénda wălĭf, "he has transgressed against his wife." Unless he can prove his innocence through public actions, the judgment of a magician, or autopsy[sic].

If the woman has been the victim of a seducer, he is held responsible and must pay a large indemnity equivalent to the bride price that was paid for the deceased. If no other man is involved, the affair has no consequences.

843 163 754 845 953 In the past the combined autopsy and Caesarian section was always performed. It had a dual purpose: to remove the child and to examine the mother. If the operation revealed the existence of a "stomach" (likundú), the deceased was of a noxious (liloka) nature or constitution and therefore caused the death of her child. If the child remained alive, it proved that he was of a magically superior nature and was able to resist the natural evil spells of his mother, which thus turned against their unwitting author. (1)

1. The Nkundó believe that only animals have a "stomach" (likundú). If a human being has one, that is, if his viscera are large, curved, in compartments, in a word, abnormal, that person is an evildoer. He commits evil acts voluntarily or, most frequently, unknowingly. Some men with a likundú can be recognized by the fact that they eat their nails, hair, etc. The Nkundó must certainly have observed relationships between this habit and a deformity of the stomach.

853 The child is given to a wet nurse (a kinswoman, a stranger, a Botswa woman, depending on who is available).

847 If the mother's body shows no signs of evil-doing or of
845 "the hatred of others," it is thought that her death was caused
843 by evil spells on the part of the child. Thereupon some kill the child to prevent it from doing harm during its whole life; others, on the contrary, spare it despite everything.

843 If the husband (for it is he above all who is involved, since
837 he is most exposed to possible lapses) has unfortunately been guilty of misconduct, his wife has only a slim chance [478] of salvation. Nevertheless, it is still possible for her to be saved, on condition that from then on her husband abstain from any sexual act and from all the accidental gestures and actions described above. The least he can do under these circumstances is to inform his wife of his indiscretion so that she can take precautions. If he wants to [672] ward off any possibility of causing his wife's certain death, he sends her home and gives his father-in-law a pledge (ndanga) through which he recognizes his guilt and shows his intention to assume the entire responsibility for his misdeed. An upright man prefers to act in this fashion, for he never knows whether one day he will not inadvertently violate one of the prohibitions.

B. The child's death is the result of the putrefaction of
853 the mother's milk, the mother being thus incapable of nursing.
837 As in the preceding case, the offense is a priori imputed to the husband -- isé aboma bɔ́na la ndota. (1) Since he has wronged no

[753]

1. Ndota is an illness caused by the violation of prescriptions of a sexual nature (See Chapter I, Part II, Article IV, 2, A).

one but himself, no palaver ensues; the "natural" punishment is sufficient. This does not mean that he is not the object of evil tongues; people point at him and at times remind him of his misdeed. To remove the blame from himself, he can resort to

853 an ordeal or ask a magician's judgment or a magical practice to
837 reveal the culprit. The culprit who is discovered is not subject to any social sanction; he is punished by the ordeal itself or the spell cast against him.

[684] If the mother's adultery is proven through her having been caught in the act, her seducer is considered guilty. He must pay the death indemnity (20 to 30 copper rings). The woman is not at all involved as far as society is concerned; it is a matter between her and her husband.

In order to prevent any harmful effect on the child, the
751 Nkundó resort to a potion called bondandota, which will be ex-
854 plained in [479] the next article, 3. "Medication" by scarfication might also be mentioned. This therapy is applied to the parents as well as to the child. If the father is wealthy, he invites the wife's family to come and perform the operation themselves. As in all comparable situations, the invitation is accompanied by the handing over of a pledge, and farewell presents (belingako) are given at the end of the visit. In addition the wife very often goes to live with her parents for some time after her seclusion in order to increase the efficacy of the treatment.

The sanction incurred for a violation of the secondary
843 stipulations is less serious. For instance, the pregnant woman suffers
[694] from violent migraines, which often cause fainting and sometimes make delivery very difficult; thus they can even cause death. The husband is seldom bothered by these headaches. But he takes great pains to faithfully observe the law in order to spare his wife such painful consequences and to avoid the death of the child being born.

Apart from sexual abstention and the rules connected with it, the couple are also subject to various prohibitions which are clearly based on superstitious ideas. Thus:

1) They must neither go down into a well nor dig in the earth. The woman would die, for it is as if they were digging her grave.

2) They must not carry anything together with another person, for that is how corpses are carried, and such carrying would be the cause of death, through imitation of the woman's funeral procession.

843 3) They must not climb up on the roof (they are not forbidden to climb a palm tree in order to cut off nuts)

4) They must not eat animals killed by a carnivore (leopard, 843 crocodile, etc.), or the child would die a sudden and unnatural 262 death like the victims of such wild beasts. [480]

825 5) They must abstain from animals such as porcupines, anteaters, certain birds, crocodiles, and gavials, (1) who are in

1. In this region women never eat snakes or bats (loléma, bonkóm, ffukyá).

the habit of living in the hollows of trees or in dens. The delivery would be very painful if they ate them, for the child would roll up and crouch in the mother's womb. Fish that find shelter in passageways do not produce such consequences and are therefore eaten.

6) They must not eat turtles (2). A very difficult birth

2. In some tribes (Bongili, Bonkoso) women always abstain from eating such reptiles.

is feared, for the turtle withdraws into its shell and encloses its anal extremities as in a vise, and the child would do the same.

7) They must not eat the head of a monkey. The child would be born with deep-set eyes resembling the monkey's.

8) They must not eat the large antelope known as mbuli, because it has a long neck and flabby flesh, and the child would acquire the same defects.

[158] 9) They must not eat the lioólé fish, which would cause migraines, since it swims fiercely without direction.

The results of boleka and the obligations resulting from it 843 are connected with natural paternity. Thus, if a woman becomes ● 837 pregnant as a result of relations with a regular, recognized lover, the latter must assume all responsibility. He is required to "fasten the fetus" and to observe all the regulations pertaining to the

843 bokeka. The same is true if the pregnancy is the result of adultery;
837 the natural father must bear all the consequences of his act. The husband is absolved from them and has no relations with his wife until the end of this particular pregnancy. The culprit must give him a pledge by which he publically recognizes his responsibility, and he is expected to fulfill all the duties of a husband. Therefore he may have relations with the woman during her entire pregnancy without paying additional indemnities. If any accident befalls the mother or the child, he is made to pay a large indemnity.

Note finally that, as we have pointed out in Chapter II,
[583] Article XI, no bride-price payment can be made from the time the pregnancy becomes visible until after the end of the period of seclusion.

843 To facilitate childbirth the previously mentioned concoc-
844 tion of various leaves mixed with kaolin (isaá) is continuously ap-
757 plied to the abdomen. Medical scarifications on the abdomen are also performed.

Finally, as the time of delivery approaches, special douches
[278] made from a concoction of the bark of the boímbo tree (1) are

1. Certain douches, especially the one made of boímbo, are also used as abortive agents.

administered. All these treatments are called beté bya bosánjá, that is, medicines (for the purpose) of an easy delivery.

Article III. Birth

844 1. Delivery

A woman remains with her husband for childbirth; she does not go home to her family. Only exceptionally does she give birth elsewhere -- for instance, if she has been sent home for one reason or another, or during a trip, while working in the fields, near a stream, or a spring, etc. Such sudden unexpected deliveries

846 of a dried banana leaf. Three knots are tied in it. The helper holds it in one hand and with the other cuts off the first knot, which she carries away with her. The mother keeps her end in her hand and presents the other to her husband. She receives the knife from the hands of the helper and cuts between the two knots so that each spouse carries away his end. Each time the parties involved say, "We have cut the bofofó; we are separating; go away." Having thus bid each other farewell, each fastens his end to the roof of the seclusion hut.

This ceremony ends the period of seclusion and puts an end 846 to the ekelé prohibitions. From then on the couple may have sexual ● 837 relations together, the helper can resume her usual life, and adultery on the part of the father can no longer harm the child or the mother. Note, however, that the child's immunity to the father's misconduct implies one condition: the father must not take it on his knees the day he commits adultery. By the following day the effects of his act have been nullified. A woman can discover her husband's infidelity through his refusal to take the child. Often she makes use of this means to obtain a confirmation of her suspicions. Some men abstain from all misconduct solely to guard against any such possibility. Adultery may have a harmful influence on the child even after it is weaned if it has a weak constitution. [491] All this seems to indicate that the reaction is considered to be physical and direct rather than a sanction based on religion or superstition.

Nkundó therapeutics include an antidote, however; it is 846 called bondandota (from ndota "an illness caused by the infraction 789 of prohibitions of a sexual nature"). It consists of a potion made [278] from the sap of an aroid bearing the same name, which is mixed with the sap of the libúlúkakó plant. If for some reason or other the couple have been away from each other for a fairly long time, they sit or stand face to face and take the child on their knees, which touch each other, and each one makes the child drink the potion twice, once from each hand, making sure to turn its face toward him [or her]. Usually the couple also drink some of the brew, though it is intended primarily for the child. Without these precautions the relations between the pair and the father's

846 taking the child would cause the child's death. The same precau-
789 tion is also in order if the husband goes on a trip before the child's birth and does not return till after the delivery

We have just seen that the harmful effects of the father's
946 misconduct on his child's life is effectuated through the father's
837 act of taking the child on his knees. Thus the Nkundó speak of
baóngó b'ábé, "a father's bad knees," to indicate his reprehensible
[826] conduct, and they say that the bondandota potion is administered to the child so that it will not die because of the father's bad knees. (1)

1. The expression baóngó b'ábé is also used when an undertaking which requires continence is unsuccessful. (See Article II, 3).

When a child has painful and persistent diarrhea, it is often
753 interpreted as the effect of the father's infidelity. As soon as they
954 become aware of it, the couple separate for some time, and the father no longer touches the child. [492]

Contrary to what one reads on this subject about other peo-
837 ples of the Congo, Nkundó couples do not have to remain continent
834 beyond the period of seclusion. The separation ceremony gives the
789 husband back the freedom of action he had before his wife's pregnancy. For the wife the bokeka remains strict with respect to illicit relations until the child is weaned. However she, too, may regain her freedom by having recourse to an antidote, the ingredients of which she purchases from a person who holds the secret. The ingredients are placed in a small antelope horn which is then stopped
[824] up by means of bolaká (resin from the Symphonia gabonensis). The interested party wears it about her loins on a string or a bead belt or, preferably, on a special creeper. This amulet protects the child's life from the harmful influence of the mother's acts of adultery, but it does so only on condition that she does not separate herself from the child, as we will explain further on. This procedure

837 is not morally condoned, and a woman who resorts to it does not
834 escape criticism. She is compared to a goat, who does not have
789 a regular and steady husband: álómya bǒna lontaa, "she nurses her child as a goat does." (1)

1. The opposite of lómya lontaa, -- if it is used to show the contrast -- is lómya lontómbá.

When the separation ceremony is ended, the mother is
846 adorned with all her ornaments and goes out to walk in a procession through the village. The child is carried by an older sister, a niece, etc. He is taken around the village, bánangya bǒna l'olólo Small presents are offered him everywhere -- an arrow, a small knife, a hairpin, etc There is no feast, however; if that honor were accorded him he would die of it (for when someone dies, there is always a feast of farewell in his honor). [493]

Article IV. Nursing

During the first few days after birth an infant does not suck
853 the milk of its mother, since it is "too hot." He is fed by a third person, preferably a relative.

On the third day the following occurs:

953 1) The mother's breasts are massaged (-kulola baéle). For
757 this purpose the Nkundó use leaves of the bǔte creeper and the lilongyá plant (Adenostemma viscosum Forst.), a green leaf from a banana tree called mɛlenge, several pieces of peeled sugar cane, the tips of the dried leaves of any banana tree, and sometimes other plants are added as well. All the ingredients are crushed, then boiled, and white sand and a bit of red paint are mixed in with them. The mixture is called ndengó. It is prepared by the women who are in charge of massaging the breasts. The bǔte leaves, however, must be picked by the father. He goes to the forest early in the morning and first shakes the creeper so that all leaves that are not firmly attached will fall off. Then he climbs it and picks the desired

853 the sap, which she then mixes with water. The resulting liquid is
751 oily and foams like soap. She places a few drops on a piece of banana leaf and makes a sachet of it. She holds this against the breast for a certain time until the boil, similar to a blood clot or a piece of liver, leaves the breast and enters the sachet. She then shows it to those present. From then on the mother can nurse her child without fear; her milk has become healthy and normal.

2) The mother's public confession must include the names
837 of all the men with whom she has had carnal relations since the
853 child's conception. Other groups, such as the Injólɔ́, extend this
684 obligation even to instances preceding that moment but which
743 have not been declared at a previous occasion. The confession is public. The masseuse related to the husband begins to crush the leaves to be used in rubbing the breast; as she moves the pestle and says to the mother, "Name a man." The mother replies by giving a name. The masseuse says nyongo, "indemnity." Then all those present say yengô, yengô, yengô, "absolved." Then it is the other masseuse's turn, and she interrogates the mother in the same way. The process continues till all the names have been cited. If [495] the mother cites the name of a man who is a close relative of her husband and who therefore does not need to pay an indemnity, the masseuse does not reply nyongo. Instead a member of the husband's clan makes the gesture signifying
[201] exemption: he holds the kernel of a palm nut (lolikâ) in his left hand and throws it by means of a small board which he holds in his right. Among the Injólɔ́ the man takes two kernels and strikes them against each other and then throws them away. Were the woman to suppress a name the child would die. If she has no admission to make, she replies, "No one besides my husband."

The indemnity that must be paid by those who are obligated to do so consists of a hen and a bunch of bananas (or their cash value) which are to be given to the masseuses, who will then divide them. Were the accused to refuse, the husband would demand a regular indemnity from him after the end of the seclusion.

The Bombwanja have this confession at the time of the
[194] fastening of the fetus. A few old women married into the clan carry out the interrogation. The kernel of the fruit of the palm is thrown by means of a knife.

837 Note, finally, that the confession is restricted to married
783 women. It is never expected of a young unmarried mother. There-
853 fore it would seem to be a practice connected with marriage (a social institution) and not with childbirth (a physiological phenomenon).

This confession is called etato or lotato, from the verb
[192] -tata, "to confess," (for which the generic term, sanga, "to say," is sometimes substituted).

I was unable to find any reason for this practice other than that of avoiding the death of the child. It is evident, however, that this explanation does not exhaust the question, although it is entirely possible that the original and deeper meaning has been lost without leaving any trace in the minds of the present generation. [496]

3) During the entire duration of nursing, the mother must
853 not be separated from her child. For the usual circumstances of
933 daily life, this rule is broadly interpreted; but during sexual relations it is strict, and no exceptions or excuses are permitted. Negligence under these circumstances would inevitably bring about the death of the child by ndota as soon as the mother took it back. This rule holds for legitimate relations as much as for illicit ones. Therefore the mother must always keep her child at her breast.

4) If at some point during nursing, the milk no longer flows
953 in sufficient quantity, the mother is given a potion consisting of
[151] the extract of the bark of the bolóngé tree (which has a fruit con-
{278} taining a very sweet milky sap). Then she eats vegetables called lotélé. (1)

1. The leaves of this plant are also ordinarily eaten as vegetables, but they are consumed especially by those who possess the modern magical practice known as boyaóli.

5) An accident to which the Nkundó attach great importance
[262] is the rejection or vomiting of milk into the mouth of an adult, even if the person affected is the infant's mother. Such a person

595 wife was called Lonkata. This was, however, more a category, for there were sometimes four Lonkata in a harem. The rest were ordinary wives. Among the Ekonda, the first wife was called Nkumokolo, just like the Bomatsa. The second wife was called Ekila or Nkonde. The remaining wives were the ordinary wives of the harem.

595 The first wife, Bomatsa, always remained at home and never
484 left the harem. The second, Ekila or Nkonde, accompanied the polygynist everywhere; she was at his side on all his trips. The Bolumbu usually went completely alone to do errands in other villages.

595 These old customs of priority among the wives are now gradually beginning to disappear.

684 It was forbidden under severe penalty to have relations with the first, second, or third wife of the polygynist. The penalties were death, slavery, or a large fine.

This was their law concerning adultery, enforced with severe punishment.

595 The ordinary wives of the harem were less strictly guarded.
837 This often depended on the jealousy or indifference of the polygynist. Anyone who had relations with these wives had to pay a fine, or rather, a price of prostitution. Since the wives were almost all in the possession of the polygynists, there were naturally many men without a wife. These, then, often had relations with the ordinary wives of the polygynists. Also, the sons of the polygynist had relations with them; the polygynist himself sometimes even had relations with the ordinary wives of his neighbor. This was the bad consequence and the immorality of polygyny.

595 It is easy to understand that the ordinary wives of the polygynist,
586 having relations with others, often left their husband, or rather, their master in order to go to another. The ordinary wives constituted the largest number. It is because of this that one now finds many women who have had three or four, sometimes even seven, different husbands in succession. Among some tribes, [534] the Ekonda among them, they were stricter; a wife who had already left her husband or master two or more times was considered to have little worth.

567 The female slaves who were taken in war were given by the
595 polygynist to his male slaves as wives. They could also be installed in the harem among the ordinary wives. Their children could have the same rights as the other children of the polygynist

837 When a wife of a polygynist had illicit relations with another
586 man of the same village, this was called Bonsamba. When she had such relations with a man of another village, this was called Isoke. As we have observed, the ordinary wives of the harem often had such relations. When the woman eloped with her bonsamba or isoke, or with whomever it was, she was pursued by her husband or owner, who tried to get her back. If the wife refused, negotiations over the bride price began.

If an agreement was reached or if a pledge was given as guarantee for the payment, the first bond was considered broken, and the woman was considered bound to this second man, even though he had been her bonsamba or isoke.

It might also happen that the first husband was so jealous that he did not want to make any agreement; then he attempted to kill either the guilty wife or her second husband. If the woman became
593 ill at the home of her husband, he went to tell her family and had to
758 give a security to the family.

583 Often the family came to get the wife, in order to be able to care for her better. If, in such a case, the wife [538] died at the home of her family, there were no further difficulties about the bride price, according to their customs. If, however, the bride price had still not been completely paid, the family asked their son-in-law to pay the remainder.

583 In recent times, now that the heathen customs have been
171 undermined by the European occupation, we see that the husbands whose wives have gone to their family when sick and have died there, demand the return of the bride price from the family, but this is completely contrary to their old customs. In one case the husband could demand the return of the bride price, namely, if the wife had left while healthy to go to her family and had died there.

562 Buying or Trading of Women. The woman was also in many
439 cases an acknowledged object of trade. The great village chiefs, among others Ibuka and Yoma, of whom we shall speak further, carried on a sort of woman trade. With European articles and also native currency, they went to other districts of the Equator [Province] to buy women with them, just like someone who goes to market, even though no public markets where women were sold actually existed.